

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

SLAM DUNK SPORTSWEAR, INC.,

Plaintiffs,

v.

TD BANKNORTH, N.A.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/11/08

Civil No. **08 Civ. 258 (RMB)**
Oral Argument Requested

~~PROPOSED TEMPORARY RESTRAINING ORDER~~ **RMB**

Pursuant to Federal Rule of Civil Procedure 65, and upon consideration of Plaintiff, Slam Dunk Sportswear, Inc.'s, application for a temporary restraining order and motion for a preliminary injunction against payment by Defendant, TD Banknorth, N.A., on letter of credit number 10004114 in the amount of \$53,512.80, and 10004122 in the amount of \$190,017.00 to the benefit of Cara International Holdings L.P. ("Cara") and all other papers and proceedings herein, it clearly appearing:

(1) That immediate and irreparable injury, loss or damage will result to plaintiff before all possible interested parties or their attorney(s) can be heard in opposition to this Application; and

(2) That the injury suffered by plaintiff, as a result of payment on the letter of credit number 10004114, upon which fraudulent papers were presented; and

(3) That the injury suffered by plaintiff will be irreparable even if this court determines fraud in the transaction of negotiating this letter of credit,

RMB

(4) That restraint against payment of the letter of credit will preserve the status quo until there is an opportunity to hold a hearing on the motion for a preliminary injunction currently filed, and that such restraint will cause no harm to interested parties,

IT IS HEREBY

ORDERED that plaintiff's application for a temporary restraining order pending a ruling on the motion for a preliminary injunction is GRANTED; and it is further

ORDERED that Defendant, TD BANKNORTH, N.A., shall be, and hereby is, RESTRAINED, from paying letter of credit numbers 10004114 and 10004122; and it is further

ORDERED that Defendant may file opposing papers on or before 9:00 A.M. ON JAN. 14, 2008 respecting this order and plaintiff's application for a preliminary injunction, and it is further

A CONFERENCE WILL BE HELD
ORDERED that ~~plaintiff's motion for a preliminary injunction shall be heard~~ before this court on 1/14/08 at 11:30 a.m./p.m., and it is further

ORDERED that service of a copy of this Order, by mail together with the papers in support thereof, upon TD BANKNORTH, N.A., at its principal corporate office at Two Portland Square, Portland, Maine 04101, **by 7:00 P.M. ON JAN. 11, 2008** will be good and sufficient service thereof against the Defendant, and it is further

~~**ORDERED** that this Order shall expire ___ days from the date of entry of the same unless extended for good cause shown.~~

SO ORDERED;

Richard M. Berman
JUDGE

Dated 1/11/08
New York, New York